

REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

Upon entry of the foregoing amendments, claims 98-117 are cancelled and claims 118-137 are added, whereby claims 118-137 will be pending, with claim 118 being the only independent claim.

Support for the new claims can be found throughout the present specification and in the cancelled claims.

Applicants emphasize that the cancellation of claims 98-117 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims in one or more continuation and/or divisional applications.

Summary of Office Action

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statements filed November 30, 2006 and May 5, 2009.

Applicants further note with appreciation that the Examiner has acknowledged the claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and the receipt of certified copies of the priority documents from the International Bureau.

Claims 100-117 are withdrawn from consideration.

Claims 98 and 99 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claim 98 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Evans et al., IDrugs (2002) (hereafter "EVANS") and by Hashimoto et al., Bioorg. Med. Chem. (2002) (hereafter "HASHIMOTO").

Claim 99 is objected to as being dependent on claim 98.

Response to Office Action

Reconsideration and withdrawal of the objection and rejections of record are respectfully requested, in view of the foregoing amendments and the following remarks.

Response to Rejection under 35 U.S.C. § 112, First Paragraph

Claims 98 and 99, i.e., all claims under consideration, are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The rejection alleges that the specification, while being enabling for the compounds and compositions of formula (I), including pharmaceutically acceptable salts thereof, is not enabled for tautomers, stereoisomers, salt derivatives, or tautomers or stereoisomers thereof.

Applicants respectfully disagree with the Examiner in this regard. At any rate, the rejected claims are cancelled and the Examiner has conceded that the subject matter of the claims submitted herewith is enabled, whereby the instant rejection is moot.

Response to Rejections under 35 U.S.C. §§ 102(b)

Claim 98 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EVANS and by HASHIMOTO, and claim 99 is objected to as being dependent on claim 98.

Applicants submit that the rejected claims are cancelled, whereby the instant objection and rejections are moot. It furthermore is pointed out that the subject matter of the claims submitted herewith is clearly not anticipated by EVANS or HASHIMOTO.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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/Heribert F. Muensterer/

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